

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:21-cv-00150-MR-WCM**

<b>WILLIAM MARK KRINGS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>AVL TECHNOLOGIES,</b>	)	
	)	
<b>Defendant.</b>	)	
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**THIS MATTER** is before the Court on the following:

- (1) The Defendant's Motion to Dismiss [Doc. 4];
- (2) The Plaintiff's "Motion to Enjoin Discrimination by Sex" [Doc. 10];
- (3) The Plaintiff's "Motion to Enjoin Discrimination by Religion" [Doc. 11];
- (4) The Plaintiff's "Motion for Intellectual Award" [Doc. 12];
- (5) The Plaintiff's "Motion for Correction Rule 60(b)(2)(4)(5)(6) Relief from a Judgment or Order and Rule 42(a)(1)(2)(3) Motion for Consolidation" [Doc. 17];
- (6) The Plaintiff's "Motion for Relief from a Judgment or Order – Motion for Consolidation Retaliation" [Doc. 18];
- (7) The Plaintiff's Motion for Default [Doc. 25];

- (8) The Magistrate Judge's Memorandum and Recommendation on the above-referenced motions [Doc. 27];
- (9) The Plaintiff's Objections to the Memorandum and Recommendation [Doc. 29];
- (10) The Defendant's Response to Plaintiff's Objections to Memorandum and Recommendation [Doc. 30]; and
- (11) The Plaintiff's Reply to the Defendant's Response [Doc. 31].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the above-referenced motions and to submit a recommendation for their disposition.

On November 8, 2021, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the parties' motions. [Doc. 27]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Plaintiff timely filed Objections on November 22, 2021. [Doc. 29]. The Defendant filed its Response to the Plaintiff's Objections on

November 29, 2021. [Doc. 30]. The Plaintiff filed a Reply to the Defendant's Response on December 6, 2021.<sup>1</sup> [Doc. 31].

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Plaintiff's Objections and accepts the Magistrate Judge's recommendation that the pending motions be denied and that the Plaintiff file a single, consolidated Amended Complaint. Any Amended Complaint that is filed will be subject to all timeliness and procedural requirements and must substantially comply with the Federal Rules of Civil Procedure and the Local Rules of this Court. The Amended Complaint will supersede the Complaint and all previous pleadings attempting to amend the Complaint. Piecemeal pleading will not be allowed. If the Plaintiff fails to timely amend his Complaint in accordance with the Memorandum and Recommendation and this Order, the Court will entertain a renewed Motion to Dismiss by the Defendant.

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<sup>1</sup> Replies in support of objections are not contemplated by the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 72(b)(2) (allowing for the filing of objections and responses to a magistrate judge's recommendation). Nevertheless, in light of the Plaintiff's *pro se* status, the Court will consider the Plaintiff's Reply.

**IT IS, THEREFORE, ORDERED** that the Plaintiff's Objections [Doc. 29] are **OVERRULED**, and the Memorandum and Recommendation [Doc. 27] is **ACCEPTED**.

**IT IS FURTHER ORDERED** that:

- (1) Within **fourteen (14) days** of the entry of this Order, the Plaintiff shall file a single, consolidated Amended Complaint that substantially complies with the Federal Rules of Civil Procedure and the Local Rules of this Court. If the Plaintiff fails to timely amend his Complaint in accordance with the Memorandum and Recommendation and this Order, the Court will entertain a renewed Motion to Dismiss by the Defendant;
- (2) The Defendant's Motion to Dismiss [Doc. 4] is **DENIED WITHOUT PREJUDICE**;
- (3) The Plaintiff's "Motion to Enjoin Discrimination by Sex" [Doc. 10], the Plaintiff's "Motion to Enjoin Discrimination by Religion" [Doc. 11], and the Plaintiff's "Motion for Intellectual Award" [Doc. 12] are **DENIED AS MOOT**;
- (4) The Plaintiff's "Motion for Correction Rule 60(b)(2)(4)(5)(6) Relief from a Judgment or Order and Rule 42(a)(1)(2)(3) Motion for Consolidation" [Doc. 17] and the Plaintiff's "Motion for Relief from

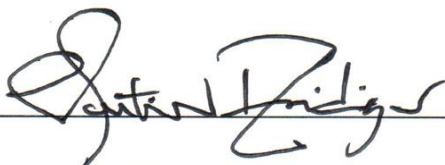
a Judgment or Order – Motion for Consolidation Retaliation”

[Doc. 18] are **DENIED AS MOOT**; and

(5) The Plaintiff’s Motion for Default [Doc. 25] is **DENIED**.

**IT IS SO ORDERED.**

Signed: March 16, 2022

  
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Martin Reidinger  
Chief United States District Judge

